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EXAMINER
GAUTHIER, GERALD

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Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _2-4 and 6-46_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _2-4 and 6-46_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____ .

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

     a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6) ☐ Other: .

DETAILED ACTION

Claim Objections

1.   **Claim 2** recites the limitation "the calling party's class" in line 5. There is

insufficient antecedent basis for this limitation in the claim.

   Claim 39, line 8 has the same problem.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   **Claims 2-3, 6, 12-13, 26 and 39-41** are rejected under 35 U.S.C. 102(e) as

being anticipated by Jang (US 5,274,698).

   Regarding **claim 2**, Jang discloses a method of restricting telephone calls in a

private branch exchange system (column 1, lines 9-15), (which reads on claimed "a

method of managing institutional telephone activity between a calling party and a called

party"), wherein the method comprises:

providing an account (FIG. 4 A-4D) for each calling party (8 on FIG. 1), wherein

the account comprises calling party entitlements (column 7, line 19 "the class A allows

all telephone numbers") wherein at least some entitlements are based on the calling

party's class (column 7, lines 17-34) [The account of the user has different classes A-E

which allows the caller different privileges on outgoing and incoming phone calls];

creating an institutional communication connection (column 7, line 40 "make a

phone call") with a calling terminal (8 on FIG. 1) following initiation by the calling party,

wherein each institutional communication connection comprises an external

communication request (column 7, line 46 "the subscriber intends to make a phone

call") from the calling party that initiated the institutional communication connection

(column 7, lines 35-51) [The subscriber picks up the receiver to make a phone call and

the line card picks up the request and the class of the extension is determined];

identifying the calling party (column 7, lines 52-63) [The system identifies the

subscriber by an access code to determine the class of the extension];

analyzing each external communication request received from the calling party to

determine its called party parameters (column 7, lines 52-63) [The subscriber inputs a

code or a define number to determine the extension class]; and

comparing the called party parameters to the entitlements to determine whether

the calling party is entitled to communicate with the called party and denying the

external communication request if the comparing returns a negative results (column 7,

line 64 to column 8, line 6) [The code or the define number are compared with the

numeral in the allowing table and the numerals in the denying table, if the numbers are

in the denying table the call is denied]; and

determining whether the calling party has an active account and denying the

external communication request if the determining returns a negative results (column 8,

lines 7-10) [Only numerals saved in the allowing table can be dialed otherwise the call is

denied].

Regarding **claim 3**, Jang discloses establishing the communication based on the

comparing (column 7, lines 64-68).

Regarding **claim 6**, Jang discloses identifying the calling terminal (column 7,

lines 52-63);

determining whether the calling party is entitled to use the calling terminal

(column 7, lines 35-51); and

wherein the communication is denied if the determining returns a negative result

(column 8, lines 1-6).

Regarding **claims 12 and 41**, Jang discloses the account contains data

representative of telephone numbers (column 7, lines 17-34).

Regarding **claim 13**, Jang discloses the account contains data representative of

personal identities (column 7, lines 17-34).

Regarding **claim 26**, Jang discloses storing in the account data representative of

the communication (column 7, lines 17-34).

Regarding **claim 39**, Jang discloses a method of restricting telephone calls in a

private branch exchange system (column 1, lines 9-15), (which reads on claimed "a

system for managing institutional telephone activity between a calling party and a called

party"), comprising:

an interface component (200 on FIG. 1) configured to accept an external

communication request (column 7, line 46 "the subscriber intends to make a phone

call") from a calling party (column 7, line 35 "the user"), the communication request

having at least one called party parameter (column 7, lines 35-51) [The subscriber picks

up the receiver to make a phone call and the line card picks up the request and the

class of the extension is determined and the dialed number are compared on the

system];

a database (11 on FIG. 1) storing a plurality of accounts associated with calling

parties, each account storing permissible calling party parameters (FIG. 4A-4D) for each

calling party, wherein at least some calling party parameters are based on the calling

party's class (column 7, lines 17-34) [The account of the user has different classes A-E

which allows the caller different privileges on outgoing and incoming phone calls]; and

a screen component (1 on FIG. 1) in communication with the interface

component and the database, configured to read each external communication request,

query the database for the permissible calling party parameters associated with the

calling party and determine whether at least one called party parameter (column 7, line

68 "a * code") is a permissible calling party parameter and configured to determine

whether the calling party has an active account, the screening component denying the

calling party's external communication request if the active account determination

returns a negative result (column 7, line 64 to column 8, line 6) [The code or the define

number are compared with the numeral in the allowing table and the numerals in the

denying table, if the numbers are in the denying table the call is denied].

Regarding **claim 40**, Jang discloses a communications component, in

communication with the screening with the screening component, and configured to

process the communications request following determination by the screening

component that the communication request contains permissible parameters (column 5,

lines 22-32).

4.   **Claim 35** is rejected under 35 U.S.C. 102(e) as being anticipated by Reuss et al.

(US 5,844,978).

Regarding **claim 35**, Reuss discloses a multi-user telephone line (column 1, lines 8-12), (which reads on claimed "a method of managing institutional telephone activity between a calling party and a called party"), wherein the method comprises the steps of:

providing a plurality of calling terminals (14 on FIG. 1), a plurality of telephone lines (column 10, lines 22-23 "multiple telephone lines"), an administrative database (26 on FIG. 1), an administrative interface (30 on FIG. 1), wherein the database comprises an individual account (column 10, line 32 "an access code") for each calling party (column 10, line 32 "the user") and wherein each the account provides individual entitlements (column 10, line 38 "the line number") to each the calling party (column 10, lines 20-42) [The user can access multiple lines depend on the access code particular to the user].

placing a communication request (column 8, line 18 "trigger definition") from one of the calling terminals by the calling party to a called party (304 on FIG. 3), wherein the placing comprises the step of entering numeric data (column 8, line 24 "an access code") into one of the calling terminals (column 8, lines 14-24) [The access code are associated with a particular user to provide user specific services selected by the subscriber];

accepting the communication request (column 8, lines 21-24) [The SCP recognizes the query as a request to logon];

identifying the calling party (column 8, lines 24-31) [The SSP prompts the user for an access code for identification];

analyzing the communication request to determine parameters (column 8, lines
27-35) [The user inputs an access code and the SCP marks the originating line as
active if it is valid];

comparing the parameters with the entitlements (column 8, lines 27-31) [If the
access code is valid the SCP marks the originating line as active]; and

conditionally establishing communication (column 8, line 33 "calls") between the
called party and the calling party (column 8, lines 31-42) [If the access code is valid
activates the lines but if the code is invalid terminate the call].

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

7.   **Claims 4, 8 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Jang in view of Freedman (US 5,627,887).

        Regarding **claim 4**, Freedman teaches placing the calling party on hold (column

5, lines 51-55) [connected to voice processing unit is putting calling party on hold];

        establishing communication with the called party (column 5, lines 56-59);

        calculating a rate (column 3, lines 19-23) to charge the called party for the

communication (column 6, lines 38-44);

        announcing the rate to the called party (column 7, lines 20-24);

prompting the called party for acceptance or refusal (column 3, lines 19-23) of

the rate (column 7, lines 25-27);

receiving a response (column 3, lines 19-23) from the called party (column 7, line

27-31); and

establishing communication (column 3, lines 19-23) between the calling party

and the called party based on the response (column 7, lines 31-39).

Regarding **claim 8**, Freedman teaches placing the calling party on hold (column

5, lines 51-55) [connected to voice processing unit is putting calling party on hold];

initiating connection with the called party (column 5, lines 56-59);

detecting completion of the connection (column 7, lines 5-7);

providing identification of the calling party to the called party (column 7, lines 20-

24);

prompting the called party for acceptance or refusal (column 3, lines 19-23) of

communication with the calling party (column 7, lines 25-27); and

receiving a response (column 3, lines 19-23) from the called party to the

prompting (column 7, line 27-31);

wherein the response determines whether the calling party and the called party

are connected (column 7, lines 31-38).

Regarding **claim 11**, Freedman teaches replaying a call origination message to

the called party (column 7, lines 20-24).

8.   **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Jang in view of Reuss.

Regarding **claim 7**, Reuss teaches initiating a second communication connection (column 10, lines 42-48); and

bridging the communication connection with the second communication connection (column 10, lines 42-48).

9.   **Claims 9 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jang in view of Morganstein (US 5,109,405).

Regarding **claim 9**, Morganstein teaches providing the called party with an option to prohibit any future calls from the calling party (column 8, lines 33-35).

Regarding **claim 10**, Morganstein teaches providing the called party with an option to prohibit future calls from the location of the calling party (column 8, lines 66-67).

10.   **Claims 14-16, 21, 27-28, 42 and 44-46** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jang in view of Hou et al. (US 5,566,229).

Regarding **claim 14**, Hou teaches the account contains data indicating whether to record the communication by the calling party (column 6, lines 42-61).

Regarding **claim 15**, Hou teaches the account contains data indicating whether to record the communication to the called party (column 6, lines 42-61).

Regarding **claim 16**, Hou teaches the account contains data indicating whether to monitor the communication by the calling party (column 10, lines 50-67).

Regarding **claim 21**, Hou teaches providing administrative control to initiate recording of the communication (column 6, lines 42-61).

Regarding **claim 27**, Hou teaches storing keywords in the account (column 5, lines 5-10).

Regarding **claim 28**, Hou teaches monitoring the communication for the keywords (column 10, lines 28-32).

Regarding **claim 42**, Hou teaches a digital conversion component configured to receive voice samples from the current calling party and convert the voice samples to a digital format (column 5, lines 19-24).

Regarding **claim 44**, Hou teaches the digital conversion component is further configured to store the digital samples in a buffer (column 5, lines 1-4).

Regarding **claim 45**, Hou teaches the database stores the digital samples in files associated with the caller accounts (column 5, lines 1-4).

Regarding **claim 46**, Hou teaches the accounts include suspicious words associated with each calling party and the screening component is further configured to scan digital samples for suspicious words (column 5, lines 32-41).

11.   **Claims 17-20 and 22-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jang in view of Howe et al. (US 5,471,519).

Regarding **claim 17**, Howe teaches the account contains data indicating whether to monitor the calling party terminal (column 8, lines 1-7).

Regarding **claim 18**, Howe teaches the account contains data indicating whether to monitor the communication to predetermined telephone numbers (column 7, lines 44-47).

Regarding **claim 19**, Howe teaches the account contains data indicating whether to monitor the communication to the called party (column 7, lines 47-51).

Regarding **claim 20**, Howe teaches the account contains data indicating called parties to whom communications should be not recorded (column 10, lines 26-28).

Regarding **claim 22**, Howe teaches providing administrative control to initiate administrative monitoring of the communication (column 10, lines 34-38).

Regarding **claim 23**, Howe teaches providing administrative control to terminate the communication (column 12, lines 9-17).

12.   **Claim 24** is rejected under 35 U.S.C. 103(a) as being unpatentable over Jang in view of Daudelin (US 4,922,519).

Regarding **claim 24**, Daudelin teaches monitoring the communication for fraud detection events (column 3, lines 66-68).

13.   **Claims 29-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Jang in view of Matchett et al. (US 5,229,764).

Regarding **claim 29**, Matchett teaches the identifying comprises biometric voice

verification (column 6, lines 49-52).

Regarding **claim 30**, Matchett teaches the biometric voice verification occurs

continuously during the communication (column 6, lines 62-64).

Regarding **claim 31**, Matchett teaches digitizing a first sample of the calling party

(column 4, lines 58-59);

storing the first sample (column 4, line 60);

digitizing a second sample of the calling party from the communication (column

4, lines 61-64);

storing the second sample (column 4, lines 60); and

comparing the first sample to the second sample for verifying identification of the

calling party (column 4, lines 65-66).

Regarding **claim 32**, Matchett teaches digitizing a first sample of the called party

(column 4, lines 58-59);

storing the first sample (column 4, line 60);

identifying the called party (column 4, lines 67-68);

digitizing a second sample of the called party from the communication (column 4, lines 61-64);

storing the second sample (column 4, lines 60); and

comparing the first sample to the second sample for verifying identification of the called party (column 4, lines 65-66).

14.   **Claims 33 and 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jang in view of Hou in further view of Matchett.

Regarding **claim 33**, Matchett teaches identifying the called party (column 4, lines 67-68);

digitizing a first sample of the calling party (column 4, lines 58-59);

storing the first sample (column 4, line 60);

digitizing a second sample of the called party (column 4, lines 61-64);

storing the second sample (column 4, line 60);

digitizing a third sample of the communication (column 5, lines 1-3);

storing the third sample (column 4, line 60); and

comparing the first sample and the second sample to the third sample (column 4, lines 65-66).

Regarding **claim 34**, Matchett teaches the comparing detects unauthorized

parties to the communication (column 5, lines 40-44).

15.   **Claim 36** is rejected under 35 U.S.C. 103(a) as being unpatentable over Reuss

and in view of Kikinis et al. (US 5,799,068).

Regarding **claim 36,** Kikinis teaches providing a digital recording buffer (column

6, lines 62-64) and a digital mass storage device (column 16, lines 57-60);

monitoring the system for active calls (column 9, line 30-32); and

recording the active calls in the buffer (column 21, lines 32-33).

16.   **Claim 37** is rejected under 35 U.S.C. 103(a) as being unpatentable over Reuss

in view of Kikinis and in further view of Hou.

Regarding **claim 37,** Hou teaches the recording is continuous (column 3, lines

23-29).

17.   **Claim 38** is rejected under 35 U.S.C. 103(a) as being unpatentable over Reuss,

in view of Kikinis, and in further view of Daudelin.

Regarding **claim 38,** Daudelin teaches monitoring the active call for fraud

detection events (column 3, lines 66-68);

storing the buffer contents in the mass storage device if the monitoring returns a

positive result (column 4, lines 21-28); and

recording the remainder of the active call in the mass storage device if the

monitoring returns a positive result (column 4, lines 33-39).

18.   **Claim 43** is rejected under 35 U.S.C. 103(a) as being unpatentable over Jang, in

view of Hou, and in further view of Matchett.

Regarding **claim 43**, Matchett teaches the screening component is further

configured to perform biometric voice identification on the samples generated by the

digital conversion component and further configured to confirm an identity of the calling

party based upon the results of the biometric voice identification (column 6, lines 49-55).

Response to Arguments

19.   Applicant's arguments filed on 6/13/2003 have been fully considered but they are

not persuasive.

The applicant has stated on page 14, ¶ 3 that Reuss fails to disclose comparing

the parameter with the entitlements.

The Examiner respectfully disagrees.

Reuss stated (column 8, lines 24-31) the input access code is compared at the

SCP to determine the feature that the subscriber are entitle to therefore reads on

claimed comparing the parameter with the entitlement. The parameter is the access

code and the entitlements are the features.

Conclusion

20.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

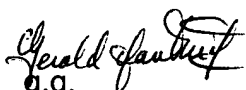shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

21.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

g.g.
August 22, 2003

FAN TSANG
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